LECTOREM BENEVOLUM

ad

Orationem

PROFESSIONI

INSTITUTIONUM IMPERIALIUM

Auſpicatoriam

die 26. Januar. A. C. 1676. in Collegio JCtorum audiendam

ſubmiſsè ac officiosè

invitat

FRIDR. Geißler / Sileſius,

Phil. & J. U. D. ac PP.

F. G. D.

CUm à professione CORONIDIS DIGESTORUM (uti titulos de Verb. signif. & Reg. Jur. vocat Math. Wesenbecius *a*) ad professionem INSTITUTIONUM IMPERIALIUM nuper vocatus fuerim, placet Senes Corn. Taciti *b* imitari. His enim *otiosum est* VETERA & PRÆSENTIA *contendere*. Indeq; in hâc scheda [illegible] DIGESTA & INSTITUTIONES Contentionem [illegible]. [illegible] enim Plutarcho *c*. & Chr. Warsevvicio *d*. licuit *Personas* [illegible] *Personis* comparare, nec qvisqvam succensuit Tityro Virgiliano *e*, qvi *Rem cum Re*, [illegible] etiam

— *Parvis componere Magna solebat* :

qvidni etiam mihi talia audere liceat? Comprimis qvia [illegible] conatui dudum præivit Matth. [illegible]erus *f*. amicâ [illegible] institutâ inter *Digesta & Codicem*. [illegible] dum ego inter DIGESTA & INSTITUTIONES comparationem molior, [illegible]runt (ecce!) duplicia argumenta: alia qvæ *Convenientiam* & similitudinem referunt, alia qvæ *Discrepantiæ* indolem produnt. DIGESTORUM *Titulus* non est novè ab Imperatore aut Compilatoribus excogitatus, sed jam olim à veteribus JCtis, Juliano, Celso, Scævolâ & aliis *g*. usurpatus : INSTITUTIONUM qvoqve *Vocabulum* ante Justinianum innotuisse, Institutionum libri à Florentino Ulpiano Paulo Callistrato Mar[illegible]o & præprimis [illegible]jo conscripti evincunt *h*. DIGESTA [illegible]

nunc

a. in paratitl. ff. de [illegible]. *b*. [illegible] Annal. c. [illegible] 4. *c*. cujus extant [illegible] paral[illegible] corum & romano[illegible] virorum [illegible] Regum & Pr[illegible]pum vitas [illegible] lelas. [illegible] ecl. 1. [illegible] *f*. [illegible] juris cent. 1. §. [illegible] *g*. [illegible] gestorum passim [illegible] Rabhan hodogeta charta 1. §. 4. p. 14. *h*. J. Harpre[illegible] procem. Inst. [illegible] 47.

[illegible] *Pandectæ i*: ad INSTITUTIONES indicandas [illegible] Gallice *Institutorum*, prostat *k*. DIGE-[illegible] *Partes* comparantur cum septem Sphæris *l*. [illegible] cœli Planetis *m*: INSTITUTIONUM autem [illegible] numerum & intentionem suam spe-[illegible] Elementa. *n*. DIGESTORUM non a-[illegible] Justinianus *o*.: Justinianum satorem sta-[illegible] INSTITUTIONUM esse, ipsi tyrones juris *p*, qvi in-[illegible] sed Justiniani novi vocantur *q*.,per-[illegible] septendecim viros, qvibus PAN-[illegible] commissa fuit,prævaluerunt cum *Tri-* [illegible] idem *Tres viri* prudentes & [illegible] auctoritate INSTITUTIONES compo-[illegible] in PANDECTIS qvædam *Historiæ causâ* [illegible] pro Legibus retinenda esse existimant: *t*. [illegible] sunt, qvi in INTRODUCTORIIS LI-[illegible] tantum relata fuisse asserunt. *u*. PAN-[illegible] non illicitè *Synagogam Juris* nuncupâsse, [illegible] nec in Janua Atriumqve deesse videre. [illegible] INSTITUTIONES opportuno elogio *civilis Sapientiæ Ja-* [illegible] Claud. Cantiuncula. *y*. Dantur *Tituli* [illegible] DIGESTIS, obviæ qvoq; sunt in INSTITUTIS. *z* [illegible] rum & Commentatorum *a*. scri-

)(2 pris,

[illegible] & § . J. de exception [illegible] de [illegible] Pandectarum semper præ[illegible] [illegible] ibach p. 1. ff. disp. [illegible]

[illegible]

plis, velut symbolis [illegible] esse, testatur [illegible] suis in-
dex *b.* pandectis Florentinis præmissus : sic etiam INSTITU-
TIONES ex omnibus antiqvorum institutionibus, præcipuè
autem Caji commentariis compositas esse, ipse Imperator pa-
lam fatetur. *c.* *Qvinam sint auctores* fragmentorum in PAN-
DECTAS relatorum, sincerè subinde indicavit Imperator no-
ster *d.* eandem Sinceritatem statim in vestibulo INSTITU-
TIONUM professus est Idem. *e.* Cum *Jus Naturale* [illegible]
& summa lex *f.* Clavis & interpres jurisprudentiæ *g.* [illegible]
[illegible] compilatores eidem Primas tribuerunt in DIGE-
STIS, Primas qvoq; in INSTITUTIS. *h.* In PANDECTIS oc-
currunt *Legum Geminatarum* sive repetitarum [illegible]
qvoqve ex INSTITUTIONUM breviario colligi posse, nul-
lum est dubium *k.* PANDECTIS qvoqve applicari posse pu-
to, qvod qvidam de INSTITUTIONIBUS dixit : omnia qvæ
in iis continentur, *licet in Aliis libris juris non reperiantur,* me-
rito pro Jure servanda & non rejicienda esse. *l.* In DIGESTIS
non dictantur tam graves *Mulctæ aut Pœnæ* qvàm in Codice,
Novellis, Feudalibus & Imperialibus constitutionibus *m.* in
INSTITUTIS, utpote Digestorum epitome *n,* idem observari
eorum epilogus *o.* innuere videtur. DIGESTORUM vo-
mina à *Latinitatis atq; elegantiæ dignitate* commendat ipse
Laur.

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b. [illegible] XX[illegible] [illegible] allegantur. Joach. Hage[illegible] de [illegible] [illegible] 10. m. J. J. Wissenbach vol. 1. d[illegible]. ff. [illegible] 2. p. 1. nu[illegible] [illegible] XXX[illegible] numerat & historicè exhibet Nic. Hen[illegible] de [illegible] p[illegible] *d.* L. 2. §. 10. C. de vet. jur. enucl. [illegible] dedi[illegible] §. 10. [illegible] ne di[illegible]rum. Faceslant ergo impude[illegible] St[illegible] [illegible] Ju[illegible] ch[illegible]ntis apud [illegible] in Done[illegible] encl. [illegible] D. [illegible] Inst. [illegible] in pr[illegible] Gr[illegible]um [illegible] in summ[illegible] §. [illegible] p. 44. *h.* Joh. Got[illegible] de legum ac [illegible] num fontibus cap. [illegible] §. 4[illegible] 15. *i.* qva[illegible] Joh. [illegible] prud. [illegible] 4. [illegible] 12. re[illegible] p. [illegible] ex [illegible] [illegible] pto [illegible] pandectar. [illegible] *k.* con[illegible]era[illegible] del[illegible] item [illegible] 30. [illegible] §. 39. de [illegible] §. [illegible] de a[illegible] cum [illegible] de [illegible] de v. bonor. [illegible] de [illegible] sacerd. [illegible] & [illegible] Al[illegible] §. [illegible] p. 14. adde [illegible] Kl[illegible] in [illegible] 4. [illegible] m [illegible] de [illegible] 143. *n* sic vocatur a[illegible] Al[illegible] de [illegible] juris [illegible] c. [illegible] p. [illegible] *o* §. fin. [illegible]

Laur. Valla *p* litterator aliàs mordacissimus & censor admodum [illegible] *q.* INSTITUTIONIBUS qvoq; Latinitatis [illegible], Jac. Cujacius (nisi fallor) credidit, qvando [illegible] Juris civilis, qvibus Justinianus uti voluit, libello Institutionum [illegible] *ompetiorem neq; faciliorem* ullum esse statuit. *r.* [illegible] Tachmannus de toto juris civilis Corpore ita (ex [illegible] Abrahami à Bock / consiliarii Electoralis [illegible] *s*

C[illegible], si lingva Ciceronis imago periisset,
[illegible] juris posset Corpore restitui.

[illegible] *t* qvi DIGESTA vituperant qvasi indigesta [illegible] satis cohærentia: Vitium idem in INSTITUTIONIBUS [illegible]madvertit Matth. Wesenbecius. *u.* ut taceam [illegible] & congesta à Ferdinando Farnesio. *x* Methodi non [illegible] lex est, ut *à Generalibus ad Specialia procedatur: y* [illegible] cuivis exhibebunt DIGESTA in πρώτοις, *z* [illegible] INSTITUTA in titulis duobus prioribus. *a* Legis vim habent PANDECTÆ *b* INSTITUTIONIBUS qvoqve plenissimum [illegible] robur accommodatum fuit. *c.* PANDECTÆ [illegible] *non derogant: d.* nec INSTITUTIONES Pandectis. *e.* Si PANDECTÆ sunt sanctissimum *justitiæ Templum f.* INSTITUTIONES tanqvam *prima Vestigia g* & [illegible] *h* [illegible] *i.* Ut in corpore juris Civilis DIGESTIS

[illegible]

STIS proportione respondet in corpore juris Canonici *Decretum*: ita INSTITUTIONIBUS Justiniani imperatoris qvadantenus respondent *Institutiones* Lancelotti jurisconsulti. *i* *Commentarios* à PANDECTIS removet Justinianus *k*: idem circa INSTITUTIONES renovâsse videtur Jac. Cujacius, existimans, nullum librum esse faciliorem, qvive *Interpretem* desideret minus. *l*. PANDECTIS nullæ sunt affricandæ *Antinomiæ m*: & multò minus, qvia sunt Minores, INSTITUTIONIBUS. *Codex* derogat PANDECTIS: derogat idem INSTITUTIONIBUS. *n*. Novellæ derogant PANDECTIS: derogant eædem INSTITUTIS *o*. comprimis autem utrisqve singulariter insultat Novella 118. *p*. Non solùm DIGESTORUM, sed etiam INSTITUTIONUM compositio editioqve ad *felix Triennium* *q*. Justiniani spectat. DIGESTA edita sunt A. C. 532. in eundem A.C. 532. incidit *editio* INSTITUTIONUM; ita tamen, ut Institutionum editio Pandectarum publicationem menstruo spatio anteverterit. *r*. Uti PANDECTAS præcessit *Qvinqvaginta decisionum* promulgatio: ita etiam INSTITUTIONES. *s*. Qvin, uti *Qvinqvaginta illæ decisiones* neqvicqvam ut PANDECTIS corrigunt, nisi nominatim factâ mentione: ita [illegible] INSTITUTIONIBUS qvicqvam sine expressâ correct[illegible] mentione derogant. *t*. Patriam communē habent DIGESTA & INSTITUTA, nimirum Romam novam sive *Constantinopolim*. *u*. Sunt, qvi PANDECTARUM titulos de Verb. signif. & Regul-

i. ductu Julii Pacii in prolegom. ad analysin Inst. art. 4. p [illegible] V. E [illegible] lib. 2. obs. 38. *m* const. Deo auctore §. 8 de [illegible] de libr. jur Civ [illegible] c 1. p. 37. ait, nullas e[illegible] bet ipsi ita affirmanti Imperatori & mihi Docent[illegible] stros. *n*. Tim. Faber [illegible] sp. ad proœm [illegible] *o*. [illegible] ff. p. 10. *p*. Fr. Balduinus in el[illegible] ad N[illegible] [illegible] 7 proœm. fin. p. 577. *q*. [illegible] c. A[illegible] dedit. [illegible] ff. item const tanta §. 1[illegible] de Confirmat. [illegible] Joh. Re[illegible] *Institutiones* die [illegible] Cal decemb [illegible] cal Jan. f. 16 Decembr. Joh Re[illegible] doctor[illegible] de qv[illegible] dec[illegible] *Pandectis* v[illegible] dedit [illegible] ff. de [illegible] autem [illegible] const. [illegible] Confirmatione [illegible]

Regul. [illegible] *Memoriæ imprimi* velint x: fuerunt etiam olim multi [illegible] JCti adeò rigidi, ut negligentiæ nomine non absolverint eos, qui INSTITUTIONUM textus Memoriâ ad verbum pronunciare non potuerunt. y.

Hactenus ex variis observationum capitibus *Similitudo* Digestorum & Institutorum resultavit; tandem etiam *Diversitatis* Characteres adducendi essent, nisi prior tractatio nolenti ita succrevisset, ut solitam mensuram paginarum jamdum expleverit aut etiam excesserit. Proinde ne *Legendo* nimis defatigeris, LECTOR, cætera in illud tempus differam, qvo *audiendo* tuum mihi approbare poteris studium. Cùm enim DIVINI NUMINIS arbitrio & JURIDICI ORDINIS prævià denominatione allectus fuerit Serenissimus ac Potentissimus Princeps ac Dominus, Dominus JOHANNES GEORGIUS II. Dux Saxoniæ, Juliæ Cliviæ ac Montium, S.R.I. Archimarschallus & Elector, Landgrav. Thuringiæ, Marchio Misniæ ac utriusq; Lusatiæ, Burggrav. Magdeburgi, Comes Marcæ & Ravensbergi, Dominus in Ravestein &c. Dominus meus clementissimus, ut [illegible] INSTITUTIONUM IMPERIALIUM Professionem gratiosissimo Rescripto demandaverit, [illegible] utiq; [illegible] opera, ut Novi muneris auspicia more [illegible] [illegible]antur. Itaq; *[illegible] die XXVI. Januarii*, qvi aliàs S. Polycarpi memoriam recolit, orationis inauguralis præludio

x [illegible] ad p[illegible] ff. p. 22. y. [illegible] a Joh. [illegible] in præfat. ad exa[illegible] §. [illegible]

dio destinavi. Instituetur autem illud *Ante horam nonam matutinam*, inq; eo, (ad promissi praecedentis fidem explendam) *de Pandectarum & Institutionum discrepantiâ* dicetur. MAGNIFICUM ergò ACADEMIÆ RECTOREM, PATRES UTRIUSQVE REIPUBLICÆ, Omniumqve FACULTATUM DOCTORES LICENTIATOS & MAGISTROS submisse & decenter compello, ut *dicto Tempore Petrini Collegii auditorium* subire dignentur. Qvemadmodum ex EORUM magnificâ & honorificâ præsentia non parum lucis & alacritatis novæ functioni accedet: ita ego totus in eo ero, ut exhibiti favoris documentum qvovis Tempore & Loco gratâ officiosâqve mente recoluisse videar. Qvod superest, STUDIOSORUM qvoqve FLORENTISSIMUM ORDINEM moneo, ut suam in comparando promptitudinem demonstrent ei, qvi ad ILLORUM studia promovenda semper erit promptissimus. PP. Lipsiæ d. 23. Januar. A. C. 1676.

Literis HAHNIANIS.